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★ SEP 28 2011 ★

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

BROOKLYN OFFICE

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VINCENT MASINO, et al.,

Plaintiff,

-against-

LVN & J INC.,

Defendant.
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: 11-CV-671 (ARR)(SMG)
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: NOT FOR
: PRINT OR ELECTRONIC
: PUBLICATION
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: ORDER
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ROSS, United States District Judge:

The court has received the Report and Recommendation on the instant case dated September 9, 2011 from the Honorable Steven M. Gold, United States Magistrate Judge. No objections have been filed. Accordingly, the court has reviewed the Report and Recommendation for clear error on the face of the record. See Advisory Comm. Notes to Fed. R. Civ. P. 72(b); accord Brissett v. Manhattan & Bronx Surface Transit Operating Auth., No. 09-CV-1930682 (CBA) (LB), 2011 WL 1930682, at *1 (E.D.N.Y. May 19, 2011). Having reviewed the record, I find no clear error. I hereby adopt the Report and Recommendation, in its entirety, as the opinion of the Court pursuant to 28 U.S.C. § 636(b)(1).

Therefore, the court grants plaintiffs' motion for a default judgment and awards damages in the amount of \$28,896.67, comprised of \$23,916.38 in unpaid contributions, \$1,018.29 in interest for late-paid contributions, and \$3,962.00 in attorney's fees and costs. Moreover, the court awards interest at the rate of 10% per annum, beginning from October 5, 2008 on \$12,062.93 in unpaid contributions and beginning from November 4, 2008 on \$11,853.45 in

unpaid contributions, to be calculated by the Clerk of the Court at the time of this judgement. Finally, the court awards plaintiffs liquidated damages in the amount equal to the interest calculated by the Clerk.

The Clerk of Court is directed to enter judgment accordingly. Plaintiffs are directed to serve a copy of this order upon defendant at its last known address and to file proof of service with the court.

SO ORDERED.

/s/(ARR)

Allyne R. Ross
United States District Judge

Dated: September 28, 2011
Brooklyn, New York